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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,825	12/07/2001	Yasuo Shibusawa	TMI-109	7759
24956	7590	09/23/2004		
MATTINGLY, STANGER & MALUR, P.C. 1800 DIAGONAL ROAD SUITE 370 ALEXANDRIA, VA 22314				
			EXAMINER SHRADER, LAWRENCE J	
			ART UNIT 2124	PAPER NUMBER

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/004,825

Applicant(s)

SHIBUSAWA ET AL.

Examiner

Lawrence Shrader

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The Applicant's claim of foreign priority is acknowledged.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fawcett, U.S. Patent 6,073,214 in view of Sekiya et al., U.S. Patent 6,484,128 (hereinafter referred to as Sekiya).

In regard to claim 1:

A software installation method comprising the steps of:

"storing information related to a constituent element of a computer system and software required for the constituent element, which correspond to each other, and also storing identification information for identifying a computer system, which configured by a specified constituent element and supplied to a user, and system configuration information indicating that the computer system configured by the specific constituent element, which correspond to each other;

accepting from the user's computer system the identification information given to the user's computer system;

sending, to the user's computer system, software required for the specific constituent element the user's computer system, on the basis of the system configuration information

which corresponds to the accepted identification information."

Fawcett discloses a software updating system storing information relating to elements on a computer system and the software required for the element (Abstract; Figure 2; column 2, lines 37 – 44), it accepts information from the user's computer, and sends the specific software required (Abstract; e.g., Figure 2; column 2, lines 37 – 44), but does not disclose storing system identification information in the database. However, Sekiya discloses system configuration information data from a specific element in a system, which is stored in a database (column 1, line 54 to column 2, line 3; e.g., Figure 11). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the information database as taught by Fawcett with the configuration and module (constituent element) information as part of the query from the user's system, because the combination allows the requesting entity in Fawcett to readily find the target system and the constituent elements to quickly understand the configuration as taught by Sekiya at column 2, lines 32 – 39, and send the proper software.

In regard to claim 2, incorporating the rejection of claim 1:

"...further comprising the steps of:

managing, for an individual user, a fee for the software sent to the user's computer system; and

collecting the fee from the user."

Fawcett discloses the management of user fees sent to the user's computer system and the collection thereof (column 3, lines 1 – 8).

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4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fawcett, U.S.

Patent 6,073,214 in view of Sekiya et al., U.S. Patent 6,484,128, and further in view of Nashed,

U.S. Patent 6,654,749.

In regard to claim 3:

A software installation method comprising:

"a first database for storing information related to a constituent element of a computer system and software required for the constituent element, which correspond to each other;

a second database for storing identification information for identifying a computer system which is configured by a specified constituent element and supplied to a user, and system configuration information indicating that the computer system configured by the specific constituent element, which correspond to each other;

an accepting means for accepting from the user's computer system the identification information given to the user's computer system;

first detecting means for detecting system configuration information which corresponds to the accepted identification information, with reference to the second database;

second detecting means for detecting software required for the specific constituent element which is indicated in the system configuration information, with reference to the first database; and

sending means for sending the detected software to the user's computer system."

Fawcett discloses a software updating system storing information relating to elements on a computer system and the software required for the element (Abstract; Figure 2; column 2, lines 37 – 44), it accepts information from the user's computer, and sends the specific software required (Abstract; e.g., Figure 2; column 2, lines 37 – 44), but does not disclose storing system identification information in the database. However, Sekiya discloses system configuration

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information data from a specific element in a system, which is stored in a database (column 1, line 54 to column 2, line 3; e.g., Figure 11). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the information database as taught by Fawcett with the configuration and module (constituent element) information as part of the query from the user's system, because the combination allows the requesting entity in Fawcett to readily find the target system and the constituent elements to quickly understand the configuration as taught by Sekiya at column 2, lines 32 – 39, and send the proper software.

Neither Fawcett nor Sekiya teaches separate databases for storing information relating to elements of a computer system and identifying system configuration. However, Nashed discloses an information databases and a separate identification database. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the software updating system as taught by Fawcett with the configuration and system element information as taught by Sekiya, and further modified to have a first database for element information and another database for configuration information as taught by Nashed, because the combination provides access to different databases over the World Wide Web as taught by Nashed at column 4, lines 23 – 26 thus increasing the flexibility to access multiple sources and increasing the chances of finding the best upgrade.

In regard to claim 8 (a system): it is rejected for the same corresponding reasons put forth in the rejection of claims 1 and 3 (being corresponding methods).

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5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fawcett, U.S. Patent 6,073,214.

In regard to claim 4:

A software installation method comprising the steps of:

"sending identification information given to a first computer system to a second computer system;

accepting, in response to the above step, software required for a specific constituent element, which is indicated in system configuration information which corresponds to the identification information sent from the second computer system; and

conducting specified setup processing in order to make the software accepted in the accepting step into an executable state."

Fawcett discloses sending identification information to a second computer, accepting the required software in response to corresponding configuration information, and the software is loaded and made available to the user (column 2, lines 31 – 52). One skilled in the art would have expected that all the necessary information be considered for a specific element and configuration must be exchanged in the sending step in order to successfully install the proper software. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to send the identification and accepting the software in response for a specific element based on the configuration of the system so that the proper version or configuration of software would be downloaded.

In regard to claim 5, incorporating the rejection of claim 4:

"...wherein the first computer system reads and executes a specified installation software which is stored in a specified storage medium."

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Fawcett discloses that the software is installed and ready for execution on the first computer (column 2, lines 53 – 60). The memory system includes main memory and secondary storage (column 4, lines 24 – 34).

In regard to claim 6, incorporating the rejection of claim 5:

"...further comprising the step of storing software which the first computer system receives from the second computer system."

Fawcett discloses that the software is installed and ready for execution on the first computer (column 2, lines 53 – 60). The memory system includes main memory and secondary storage (column 4, lines 24 – 34).

In regard to claim 7 (a storage medium): it is rejected for the same corresponding reasons put forth in the rejection of claim 4 (a corresponding method).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent 6,735,757 to Kroening et al. regarding checking component compatibility in a system build.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence Shrader whose telephone number is (703) 305-8046.

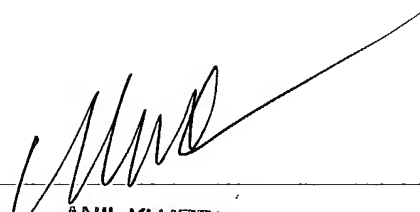
The examiner can normally be reached on M-F 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703) 305-9662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lawrence Shrader
Examiner
Art Unit 2124

17 September 2004



ANIL KHATRI
PRIMARY EXAMINER